

April 2, 1974

(Begin Belt 11)

Governor of either party or any party has to run together, is that static or not? Senator Fellman....

PRESIDENT: Senator Fellman. I'm afraid, Senator Carpenter, you'll have to restate your question.

SENATOR CARPENTER: Well, the constitution, does it now require that the Democrats as an illustration, the Governor and Lieutenant Governor have to run as a team?

SENATOR FELLMAN: As I understand it, yes.

SENATOR CARPENTER: Now, can we unchange that by anything we might do in this Body?

SENATOR FELLMAN: No. But that's not quite the point, Senator, as I understand it. The constitutional problem goes back to the federal constitution that talks about equal representation and says that anybody, in effect, anybody has the same rights to seek office. Now, here under the present status without these two bills, a person who is a Republican or a Democrat offers himself as a candidate for Governor and the party fills the....furnishes a Lieutenant Governor. If a person files by petition, he has an extra duty to file to pull along and select his own Lieutenant Governor. There is no procedure worked out for putting a person on the ballot by a petition in substitute for the team. These bills go as far as anyone can figure out how to go. An...a number of other states have the same problem. It has not been tested in any court to anyone's knowledge. And it seems to me that the bills as they stand provide a system that is adequate and is the best that anyone would come up with. As I understand Senator Chambers' amendment, it deletes this and I think it puts us back into the same position we're now in. Which is asking for problem in court.

SENATOR CARPENTER: Well, in any case or either case, Senator Chambers would still be in the same position to go, I presume, to the federal courts. And if he did that, does he have time in order to have the problem requested adjudicated so it would be effective this election in your judgment?

SENATOR FELLMAN: Yeah, your question is, would he be able to go to court and have it determined? Yes, I think he could go to federal court....we adjourn in the middle of April. I think you could go to federal court and I would encourage it. If he wants to and could get an adjudication by the middle of the summer which would allow sufficient time under these bills to do whatever he would want to do. As I understand the deadline for petition is sometime in August, in late August, about the 20th of August. I don't think there'd be any problem and I don't think he does either in getting a federal court to adjudicate this in sufficient time to get him on the ballot assuming he wants to go there.

SENATOR CARPENTER: And if the federal court did what I think you're saying, then everyone, the Governor and Lieutenant Governor run loose and on their own particular acceptance by the general public.

SENATOR FELLMAN: Yes.